



To: Chief Deputy Greg Herrera
From: Captain Corey A. Solferino
Date: January 6, 2022
Re: Incline Village Constable Staffing Report

Summary – After the conclusion of the Board of County Commissioners Meeting on December 14, 2021, Agenda Item 33, the Washoe County Sheriff's Office was asked to look at the feasibility of taking over services for the Incline Village Justice Court (IVJC), specifically the duties of the Constable as governed under Nevada Revised Statute (NRS). If the Board of County Commissioners vote to approve a request to initiate proceedings to amend Washoe County Code Chapter 5 and abolish the office of Constable Incline Village it would be effective at the end of the current term of office January 2023.

The office of Constable is regulated under NRS 258. NRS 258 requires a Constable to have Category I or II peace officers standards and training certification at the time of filling and/or within 1 calendar year based upon the population of township within their immediate jurisdiction. NRS 258.010 Section (3) sub (a) "In a county whose population" is less than 700,000, which includes more than one township, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may, by ordinance, abolish the office of constable in those townships. Duties and responsibilities of the office of constable as applicable to the Incline Village Justice Court are as follows:

1. Execute the process of writs or warrants or orders
2. Granted the powers of "peace officer" for the discharge of duties as are or may be prescribed by law for the purpose of arrest
3. Carry a Firearm if properly trained in accordance with POST when properly identified by uniform and adoption of a formal use of deadly force policy
4. Issue Citations
5. Fees; expenses; accounting
6. Quarterly Financial Statements

The duties listed above, as empowered by NRS, are duties that the Washoe County Sheriff's Office Civil Division routinely execute within Washoe County Jurisdiction. All Washoe County Sheriff's Deputies are Category I certified and complete annual continuing education and training to maintain their Nevada POST certification. Additionally, the Washoe County



Sheriff's Office Civil Division has the requirement of being operations certified for the purpose of execution of warrants, writs, and orders. Should the Washoe County Sheriff's Office take over the duties of Constable in Incline Village, the void would be filled with an operations certified deputy sheriff for staffing.

On December 30, 2021, I had the pleasure of sitting down with Judge Alan Tiras to further discuss this process and the duties of the Incline Village Constable (IVC). Judge Tiras indicated in addition to NRS requirements the IVC also supervises (2) Deputy Constables and assists in managing the IVJC Bailiffs. The IVC works within the Incline Village Justice Court and aids with the monitoring and testing of pre-trial defendants subject to daily reporting, breath alcohol monitoring, and random urinalysis to test for the presence of prohibited substances and ensure they are complying with the orders of the court. Service of civil process (evictions, civil judgements/orders), temporary protection orders, extended protection orders, and red flag legislation are also duties of the IVC. Lastly, and perhaps more importantly, the IVC assists with the safety plan of the court and monitoring/screening of participants.

The IVJC is open Monday through Thursday from 0800-1600. Mondays are closed to the public for administrative duties and Fridays are closed altogether. Tuesday, Wednesday, and Thursdays are reserved for Arraignments, Eviction Proceedings, Small Claims Proceedings, Civil Proceedings, Protective Order Proceedings, Preliminary Hearings, Sentencing, Pleas, Reviews, Victim Impact Panels, etc. Due to the Covid 19 pandemic and the subsequent lockdown of 2020, the court had to adapt to changing times in an effort to continue with access to the law and the right to a speedy trial. The court has made great strides to produce a virtual model where defendants and litigants alike can attend court virtually. As restrictions loosened across the nation, the IVJC offered hybrid models for in-person attendance as well as virtual. Due to the nature of the Incline Village Community and transient nature of one of the great tourist destinations in the United States, the virtual option allows defendants the opportunity to participate in court from the confines of their own home, vehicle, or place of employment without having to be in Incline Village. This is an important consideration moving forward and assists the Constable greatly by limiting the amount of time the office must conduct transportation and improves the overall efficiency of the court.

In sitting down with Judge Tiras and more clearly understanding the role of IVC and how they aid the court it is my observation that the Sheriff's Office would easily transition into this role and enhance the collaboration between the court and the community the WCSO serves.

Considerations – The IVC currently has two vehicles assigned EQ 2790 and EQ 3035 a 2016 Chevrolet Tahoe Patrol SSV and a 2004 Ford E350 Transport Van. I would recommend these vehicles be transferred to the WCSO upon elimination of the IVC and used for the new personnel assigned to the Court. 3035 has been in service for 73 months and is used sparingly for transports. It is currently housed in the Washoe County Sheriff's Office Incline Substation Secured Parking Lot. Operations and Maintenance charges are as follows: \$421.78, Fuel \$222.15, Asset Management Fee \$792.00. 2790 is currently assigned to the IVC for duties and responsibilities outside the court. Operations and Maintenance charges are as follows: \$760.84, fuel \$714.41, Asset Management Fee \$792.00, and Replacement Charge \$5,388.20. 2790 has been in service for 52 out of 120 scheduled months.

The budget summary for the IVC is predominately salary and benefits for the Constable himself - \$125,927 annually for FY 2022. IVC is also awarded \$63,683 for employee benefits, and an additional \$26,851 for services and supplies for a total budget of \$216,461. The max salary for IVC and a top step Deputy Sheriff are close in wage. An IVC is projected to make an annual salary of \$79,289.60. A top step Deputy Sheriff is projected to make an annual salary of \$81,744.00 plus additional benefits and contractual pays as approved by the WCSDA and Washoe County Labor Relations. At face value, the costs of taking over services would be close to net zero should the Sheriff's Office adopt the entire budget of constable. In review of the part time employment for the deputy constables of the court, it would be my recommendation to replace with contract employees similarly to the Reno Justice Court and Second Judicial District Court for courtroom security and screening. Those rates are negotiated, and a length of contract is agreed upon and the funding used for benefits could be used to offset overtime and other expense to ensure the court is not hindered by time off, training, vacation, etc.

Recommendation and Timeline for implementation – In reviewing the IVC and subsequent duties associated with the IVJC the Washoe County Sheriff's Office can take over responsibility for the court by January 2023. A full-time operations trained Deputy Sheriff assigned to the court would satisfy most of the staffing need. An overtime budget for annual leave, compensatory time off, state and departmentally mandated training to ensure the court is always staffed and

resources are not taken away from the community is warranted. The timeline for implementation is identified as follows:

- June 2022 Inter-Departmental Recruitment
- July 2022 Interviews and Selection
- August 2022- November 2022 Field Training
- *** September 2022 IVJC moves from current location to new location
- December 2022 IVJC onsite training
- January 2023 beginning of assignment

I have had the opportunity to address this very topic in recent Community Advisory Board and Community Forum Meetings with overall support and success. After approximately (3) weeks of research, a background in Justice and District Court supervision, department training and compliance coordinator, and now Captain of the Incline Village and south patrol district, I see firsthand how we can bring value to this position and enhance services in the Incline Village Community. With a generous public safety grant from the Dave and Cheryl Duffield Foundation to increase staffing presence in the Incline Village Community, this piece helps connect the Sheriff's Office to the IVJC. By having a full-time deputy sheriff embedded in the court we are better served to assist in the monitoring of prolific offenders, daily reporting, suspect identification, and uniformed presence just to name a few. This isn't to say that the IVC isn't performing his duties, this is only to say that having a full-time deputy sheriff will increase collaboration, communication, and efficiency between the court and the sheriff's office – not to mention the additional resources available in their arsenal. Because a number of these IVC functions are already performed by full-time deputy sheriffs in the valley - the training, policies, and coordination of services are already clearly delineated. The WCSO Incline Village Administrative Services Sergeant can help assist in the security plan and scheduling of services for the IVJC and serve as the deputy sheriff assigned to the IVJC immediate supervisor. For purposes of this staffing, the deputy sheriff identified for this assignment will fall in command of the Incline Village Operations Captain. In speaking with Chief Justin Roper of the Department of Alternative Sentencing the court averages approximately 300 cases annually and supervises 30 pre-trial individuals during peak summer months at most. The WCSO and DAS have an excellent working relationship, and I expect this collaboration to continue should we take over services. The WCSO would be proud to assume this role should the BCC choose to transfer the service from the IVC.

